

**Calendar No. 553****105th Congress }  
2d Session }****SENATE****{ REPORT  
105-314 }****BETTY JANE**

---

**R E P O R T****OF THE****COMMITTEE ON COMMERCE, SCIENCE, AND  
TRANSPORTATION****ON****S. 1736****SEPTEMBER 9, 1998.—Ordered to be printed**

---

**U.S. GOVERNMENT PRINTING OFFICE****59-010****WASHINGTON : 1998**

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED FIFTH CONGRESS

SECOND SESSION

JOHN McCAIN, Arizona, *Chairman*

TED STEVENS, Alaska	ERNEST F. HOLLINGS, South Carolina
CONRAD BURNS, Montana	DANIEL K. INOUE, Hawaii
SLADE GORTON, Washington	WENDELL H. FORD, Kentucky
TRENT LOTT, Mississippi	JOHN D. ROCKEFELLER IV, West Virginia
KAY BAILEY HUTCHISON, Texas	JOHN F. KERRY, Massachusetts
OLYMPIA SNOWE, Maine	JOHN B. BREAU, Louisiana
JOHN ASHCROFT, Missouri	RICHARD H. BRYAN, Nevada
BILL FRIST, Tennessee	BYRON L. DORGAN, North Dakota
SPENCER ABRAHAM, Michigan	RON WYDEN, Oregon
SAM BROWNBACK, Kansas	

JOHN RAIDT, *Staff Director*

MARK BUSE, *Policy Director*

MARTHA P. ALLBRIGHT, *General Counsel*

IVAN A. SCHLAGER, *Democratic Chief Counsel and Staff Director*

JAMES S. W. DREWRY, *Democratic General Counsel*

## Calendar No. 553

105TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
105-314

### BETTY JANE

SEPTEMBER 9, 1998.—Ordered to be printed

Mr. MCCAIN, from the Committee on Commerce, Science, and  
Transportation, submitted the following

### REPORT

[To accompany S. 1736]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 1736) “A Bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel BETTY JANE”, having considered the same, reports favorably thereon and recommends the bill do pass.

#### PURPOSE OF THE BILL

S. 1736, as reported, grants coastwise trading privileges to the vessel BETTY JANE.

#### BACKGROUND AND NEEDS

Subject to certain limited exceptions, the law known as the Jones Act (section 27 of the Merchant Marine Act, 1920), section 8 of the Act of June 19, 1886, and sections 12106 and 12108 of title 46, U.S. Code, provide that only those vessels built in the United States, continuously documented under the laws of the United States and continuously owned by U.S. citizens may transport merchandise or passengers in the coastwise trade, or engage in the fisheries, of the United States.

Where the facts applicable to a particular vessel suggest the U.S.-built or U.S.-owned requirements have not been satisfied, the Coast Guard may not issue a document granting coastwise trading or fisheries privileges for that vessel unless the requirements of those Acts are statutorily waived.

The vessel BETTY JANE, State of Virginia registration number VA 7271 P, is a 36-foot cabin cruiser that is believed to have been

constructed in Deltaville, Virginia in 1972. It is owned by Mr. Edwin W. Christopher and Mrs. Betty J. Christopher of Heathsville, VA. The owners intend to use the vessel for fishing charters out of Reedville, Virginia.

Because the owners are unable to verify the U.S. construction of the vessel, they have not been able to obtain coastwise trade privileges for it. Therefore, the owners are seeking a statutory waiver of the Jones Act and other laws for the vessel.

#### LEGISLATIVE HISTORY

S. 1736 was introduced in the Senate on March 10, 1998, by Senator Robb. In open executive session on July 9, 1998, the Committee considered S. 1736, and ordered the legislation reported favorably without objection and without amendment.

#### ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, August 3, 1998.*

Hon. JOHN MCCAIN,  
*Chairman, Committee on Commerce, Science, and Transportation,  
U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 1736, a bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel BETTY JANE. S. 1736 was ordered reported by the Senate Committee on Commerce, Science, and Transportation on July 9, 1998.

CBO estimates that enacting S. 1736 would have no significant impact on the federal budget. Because the bill would not affect direct spending or receipts, pay-as-you-go procedures would not apply.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

JUNE E. O'NEILL, *Director.*

#### REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported:

Because S. 1736 does not create any new programs, the legislation will have no additional regulatory impact, and will result in no additional reporting requirements. The legislation will have no further effect on the number or types of individuals and businesses regulated, the economic impact of such regulation, the personal privacy of affected individuals, or the paperwork required from such individuals and businesses.

## SECTION-BY-SECTION ANALYSIS

The bill consists of one section. It provides that, notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 U.S.C. App. 289), and sections 12106 and 12108 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel BETTY JANE, State of Virginia registration number VA 7271 P.

## CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee states that the bill as reported would make no change to existing law.

